

**Amendment No. 2 to SB1786**

**Woodson**  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1786\***

**House Bill No. 1423**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 50, is amended by adding Sections 2 through 7 as a new, appropriately designated part:

SECTION 2. The general assembly finds that:

(a) Children in foster care are among the most at-risk children in our society. Adults formerly in foster care are more likely to be homeless, incarcerated, and dependent on state services than the general population. Children in foster care face a number of unique disadvantages and require specially tailored assistance during their school years and with the difficult transition from youth to adulthood.

(b) One (1) key factor in determining whether a child in foster care will achieve a successful transition is the quality of primary and secondary education such child receives. Unfortunately, the quality of education that too many children in foster care receive is often adversely affected by the transient and unsettled situations with which such children must cope. Compared to the general population, children in foster care have lower scores on standardized tests and higher absenteeism, tardiness, truancy, and dropout rates.

(c) A significant factor contributing to the poor quality of education received by many children in foster care is instability. Approximately half of all children in foster care will spend at least one (1) year in foster care, with twenty percent (20%) staying in foster care longer than three (3) years. Children in long-term foster care often experience multiple home placements which can result in multiple school transfers. School transfers can impose gaps in the learning cycle, as children move from classroom to classroom and must adjust to new

settings, teachers, students, and, in many cases, special services. School transfers also result in emotional instability and the loss of important friendships with peer groups. A synthesis of foster care research finds that the occurrence of fewer placements during foster care is associated with better school achievement and more years in education.

(d) Providing foster children with the opportunity to continue to attend a school in a district other than the resident school district or in a school outside the child's resident school zone within the district will help to ensure that the child has continuity in school placement even if such child experiences frequent foster home placements.

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Department" means the department of children's services unless otherwise specifically stated herein;

(2) "Foster child" means a child placed in the legal custody of the department of children's services pursuant to Title 37;

(3) "Last school of attendance" means the last school where the foster child attended prior to being moved by the department and where the child may remain enrolled after such residential move into a new school district or school zone within the district;

(4) "Resident school district" means the public school district in which the child resides, as a result of placement by the department; and

(5) "Resident school zone within the district" means the public school zone in which the child resides as a result of placement by the department.

(6) "Transportation scholarship" means that the child is placed into a public school not within the resident school district or resident school zone within the district and is receiving transportation furnished and paid for by the school district for the last school of attendance if the child remains enrolled in that school pursuant to this section;

#### SECTION 4.

(a) Notwithstanding any other state laws to the contrary, for any foster child whose physical residence has moved within a school year, the department may choose to have the child continue in the last public school of attendance for the remainder of the current school year, even if that last public school of attendance where the child remains enrolled is not the resident school district or resident school zone within the district for the new residential placement of the foster child.

(b) When the foster child remains enrolled pursuant to this section in the child's last school of attendance but outside the resident school district or resident school zone within the district, the child shall be eligible for a transportation scholarship. Such transportation scholarship means that the school district where the foster child remains enrolled shall pay for the transportation of the child to and from the school where he remains enrolled; except that such payment for transportation shall not be required if the last school of attendance where the child remains enrolled is more than thirty (30) miles away from the new residential placement of the foster child by the department. The department may at its discretion allow the foster child to remain enrolled in the last school of attendance and waive in writing inclusion of the child in the transportation scholarship.

(c) Nothing in this section shall be construed to require a school to place a child into a school where services cannot appropriately be rendered for any foster child who has become eligible for special education since enrollment at the last school of attendance for the child and which may otherwise be chosen under this section.

(d) Nothing in this section shall be construed to require a school to enroll or re-enroll a foster child if that child is currently under a zero tolerance expulsion for guns, drugs or assault upon a teacher as determined pursuant to this title.

(e) Nothing in this section shall be construed to be in conflict with rights of any child acquired pursuant to the federal McKinney-Vento Homeless Education Assistance Act and its reauthorization under No Child Left Behind.

SECTION 5. Once the department has made the decision to allow the child to remain in the last school of attendance, or to re-enroll the child in that last school of attendance, generating of state funding for such school's local education agency shall be pursuant to § 49-3-354 et seq.

SECTION 6. This act shall take effect July 1, 2007, the public welfare requiring it.